

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO.:04-10232WGY

JAMES KEHOE
Plaintiff

V.

MI-JACK PRODUCTS, INC., ET AL
Defendants

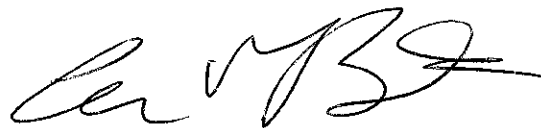
AFFIDAVIT OF CLARENCE V. LABONTE III, ESQUIRE PURSUANT
TO LOCAL RULE 37.1 AND LOCAL RULE 7.1(A)(2)

I, Clarence V. LaBonte III, hereby state under the pains and
penalties of perjury :

1. I am an attorney practicing with the law firm of John P. LeGrand & Associates, P.C. Our office represents the Plaintiff in the above captioned matter, James Kehoe
2. Pursuant to the Local Rules, on April 9, 2004, our office forwarded the attached Plaintiff's Motion to Add Party Defendant to counsel for the Defendant, Mi-Jack Products, Inc., via First Class Mail, and to the Agent or Authorized Representative of Fantuzzi USA, Inc. via Certified Mail, Return Receipt Requested, a copy of proof of mailing and return receipt is attached hereto as Exhibit A as well as a copy of Notice of Intent to Add Party New Party Defendant Pursuant to Local Rule 15.1 and Certificate of Service attached hereto as Exhibit B.
3. Our office has been informed by Defendant Mi-Jack Products, Inc.'s counsel that the Defendant did not oppose the Plaintiff's motion.

4. More than ten (10) days have past since the date the proposed new defendant was served in accordance with Federal Rules of Civil Procedure Rule 5

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS
21st DAY OF APRIL, 2004

A handwritten signature in black ink, appearing to read 'Clarence V. LaBonte III', with a stylized flourish at the end.

Clarence V. LaBonte III
BBO#641866
JOHN P. LEGRAND
&ASSOCIATES, P.C.
375 Broadway, Suite 2
Somerville, MA 02145
(617) 623-3001

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
☒ Print your name and address on the reverse so that we can return the card to you.
☒ Attach this card to the back of the mail piece on the front if space permits.

1. Article Addressed to:

AGENT OR AUTHORIZED
 REPRESENTATIVE OF
 FANTUZZI USA INC
 999 OAKMONT PLAZA DRIVE
 SUITE 380
 WESTMONT, IL 60559

2. Article Number: 7003 1010 0005 3082 0121

(Postage paid by addressee)

PS Form 3811, August 2001

Domestic Return Receipt

102596-02-W-1840

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]*
 B. Receiver's (Printed Name): *[Name]*
 C. Date of Delivery: *4-14-04*
 D. Is (every) address different from item 1? ☒ Yes ☐ No
 (If Yes, enter delivery address below:)

3. Service Type: ☒ Certified Mail ☐ Express Mail
☒ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ OOD
 4. Restricted Delivery (Extra Fee) ☐ Yes

U.S. Postal ServiceTM
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 (Domestic Mail Only; No Insurance Coverage Provided)

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OFFICIAL INTEROFFICE

Postage	\$ 5.74
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.74

Sent To

AGENT OR AUTHORIZED REPRESENTATIVE OF
 Street, Apt. No.: FANTUZZI USA INC
 or PO Box No. 999 OAKMONT PLAZA, STE 380
 City, State, ZIP+4 WESTMONT, IL 60559

PS Form 3800, June 2002

See Reverse for Instructions

2003 1010 0005 3082 0121

JOHN P. LEGRAND & ASSOCIATES, P.C.
ATTORNEYS AT LAW & PROCTORS IN ADMIRALTY

JOHN P. LEGRAND
ERIC STAFFORD
CLARENCE V. LABONTE, III

WINTER HILL
375 BROADWAY, SUITE 2
SOMERVILLE, MA. 02145

(617) 623-3001
FAX: (617) 623-0101
E-MAIL ADDRESS:
LEGRANDLAW@AOL.COM

April 9, 2004

Agent or Authorized Representative of:
Fantuzzi USA, Inc.
999 Oakmont Plaza Drive, Suite 380
Westmont, IL 60559

RE: James Kehoe v. Mi-Jack Products and Fantuzzi Reggiane
United States District Court for the District of Massachusetts C.A. No.: 0410232WGY

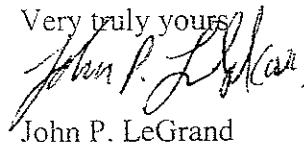
VIA CERTIFIED MAIL 7003 1010 0005 3182 0191
RETURN RECEIPT REQUESTED

Dear Sir/Madam:

In reference to the above captioned matter and pursuant to the Federal rules of Civil Procedure and District of Massachusetts Rule 15.1, enclosed please find copy of Plaintiff's Motion to Amend Complaint so as to Add Party Defendant which we intend to file on Wednesday April 21, 2004, along with Notice of Intent to Add New Party Pursuant to Local Rule 15.1.

Thank you for your attention to this matter.

Very truly yours,



John P. LeGrand

Encls.

Cc: James P. Donohue, Jr. Esquire (via First Class mail)

CERTIFICATE OF SERVICE

I, John P. LeGrand, Esquire, hereby certify that on April 9, 2004 in compliance with the applicable rules of the Federal Rules of Civil Procedure and Local Rules for the United States District for the District of Massachusetts, I served a true and exact copy of Plaintiff's Motion to amend Complaint so as to Add Party Defendant, via Certified Mail, Return Receipt Requested to the following individual(s):

Agent or Authorized Representative of:
Fantuzzi USA, Inc.
999 Oakmont Plaza Drive, Suite 380
Westmont, IL 60559

And via First Class Mail to:

James P. Donohue, Jr. Esquire
SLOANE AND WALSH
Three Center Plaza
Boston, MA 02108

Plaintiff

By his attorney



John P. LeGrand

BBO#550185

JOHN P. LEGRAND
& ASSOCIATES, P.C.
375 Broadway, Suite 2
Somerville, MA 02145
(617) 623-3001